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THE
JUDGEMENT
UPON
The ARGUMENTS, for and against
THE
CHARTER
OF
LONDON.

Delivered at *Westminster*, the 12th day of *June*, 1683.



Hereas upon the *Quo-Warranto*, brought against the Lord Mayor, Aldermen, and Commonalty, of the City of *London*, &c. For that they taking upon them to be a body Politick, &c. Did make By-Laws, thereby oppressing his Majestys Subjects in Extorting from them certain Sums of Money, (*viz.*) From all that come to their *Markets* to sell any goods amounting to 5000 *l.* a year. And also did make an Order for the Printing a certain Scandalous Petition, which according to that Order was Printed and published, tending to the seducing of his Majestys Subjects to a dislike of his Government, &c. And that upon the bringing an Information against them for the same they pleaded thereto, To which there hath since been a Replication, Rejoynder, Demurrer, Breaches, Affigns, and Arguments of the Validity thereof.

The last of which Arguments, were in *Easter Term* now last past, by *Mr. Attorney General* for the King, and by *Mr. Polexsen* for the City; and that upon a Motion for Judgment thereon, an Order was made for the giving it the first *Tuesday* in *Trinity Term*.

Accordingly

Accordingly on *Tuesday*, the 12th. day of *June*, 1683. As soon as the Judges were sat in the Court of Kings Bench, (*viz.*) *Mr. Justice Jones*, *Mr. Justice Raymond*, and *Mr. Justice Withens*.

The Kings Attorney General, moved for their Judgment &c.

Mr. Justice Jones speaking first, recited the most Material heads, of what had past, in the proceedings on each side upon the *Quo-Warranto*, which had been brought against the Mayor, Aldermen, and Commonalty, of the City of *London*, for taking upon them to be a Body Politick, &c. That thereupon they had Pleaded *Magna Charta*. And the Graunt of several Kings, and Queens. Particularly of his Majesty that now is. To which it had been replied, they contrary to the said Graunts, had amongst themselves made By-Laws, and levied certain Tolls, or Taxes upon all People to their Markets, whether they Sold or not, to the great Oppression of his Majesties Subjects; In defence of which they alledge to have Time, out of Mind, had a right of choosing a Common Council to the Number of 250. And by them to make such By-Laws, for the better Governance of the City, as were not repugnant to the Common Law, that it hath been to that replied their By-Laws, so to oppress his Majesties Subjects was contrary to Law and an Intrenchment upon the fundamental Laws of the Land, for which their CHARTER ought to be seized. And further that contrary to the known Law, they had made an Order for the Printing of a Scandalous Petition and that pursuant to such Order, the same was Printed, and Publisht throughout the Kingdom, tending to the seducing of his Majesties Subjects into dislike of his Government, and to stir up his Liege People to Sedition, and Rebellion, in excuse of which they had set forth that there was a Plot, &c. Or he recited after this manner what had past from the Information, to the end of the said Arguments, and that it now stood for the Judgment of that Court, by an Order of the last Term.

He was pleased to tell them of the very great deliberation, that had been used in the Consideration of the Arguments, and of the diligent perusal of an extract of the City Books, and other Records, mentioning several Conferences which had been thereon, and with the Lord Chief-Justice, (who was not present by reason he remains indisposed in his health) that they had all concurred in one Opinion, and that therefore he would briefly deliver the Resolutions of them all, which he did under several Heads, concluding them all with the Opinion of the Court, that upon the whole Record, both as to the Information and Plea, and as to the Form and Manner of Pleading, that Judgment ought to be given.

And that therefore it was the Judgment of that Court that the Franchises and Liberties of *London* be seized, &c.

After which the other two Judges (*viz.*) *Mr. Justice Raymond*, and *Mr. Justice Withens*, assented thereto as it had been delivered by *Mr. Justice Jones*.

Notwithstanding which the Entering up of Judgment is deferred until His Majesties Pleasure shall be known therein.